



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during July 2017
DISTRIBUTED: August 1, 2017

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and/or impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Water:

R.A. Cummings, Inc. d/b/a Auburn Concrete, Auburn, Maine. R.A. Cummings, Inc., doing business as Auburn Concrete ("Cummings"), is a corporation in good standing that owns and operates five concrete batch plants in Topsham, Auburn, West Bath, Augusta and Westbrook. Amongst the five sites, Cummings was documented to have violated multiple statutes, rules and conditions of its various Maine Pollutant Discharge Elimination System ("MEPDES") Multi-Sector General Permit Stormwater Associated with Industrial Activity ("MSGP"). The Department's staff observed multiple instances in which Cummings: discharged industrial process wastewater into a stream that discharges into freshwater wetland; allowed an unlined concrete washout containment pond to discharge directly into the groundwater; allowed a containment pond to overtop and further overland flowage discharging into a ditch that discharges into a wetland; allowed wastewater to mingle with stormwater thereby allowing an unlicensed discharge in violation of the MSGP; operated and discharged wastewater without a license; allowed truck wash water to mix with stormwater and discharge without a license; failed to maintain the Stormwater Pollution Prevention Plan ("SWPPP") in accordance with the MSGP; failed to prepare a SWPPP prior to submitting a Notice of Intent ("NOI") for permit coverage; failed to select, design, install and implement control measures, including Best Management Practices ("BMPs"); failed to maintain BMPs; failed to complete Site Compliance Evaluations; failed to complete visual examination of stormwater discharges; failed to keep a copy of the NOI with the SWPPP; failed to keep the acknowledgment letter assigning the facility permit ID number with the SWPPP; failed to maintain records of employee training with the SWPPP; failed to keep on-site documentation of the annual non-stormwater discharge certifications with the SWPPP; failed to keep a signed and working copy of the SWPPP at the facility; failed to comply with all conditions of the MSGP; failed to complete weekly inspections of all active material storage piles, processing equipment and processing areas and conduct monthly inspections for liquid storage tanks, hoppers or silos; failed to seek permit coverage prior to beginning operations; and failed to file an application for a wastewater discharge license. By committing the above listed actions, Cummings violated: 38 M.R.S. § 413(1); the terms and conditions of the permit MSGP W-008227-5Y-B-R; 06-096 C.M.R. ch. 521, § 9(c)(1); 06-096



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C.M.R. ch. 521, § 4; and 38 M.R.S. § 414(5). To resolve these violations, Cummings agreed to pay a civil monetary penalty of nine thousand seven hundred and seventy-six dollars (\$9,776.00) to the *Treasurer, State of Maine*; provide to the Town of Topsham a concrete culvert, with a value of at least fifty eight thousand six hundred twenty-seven dollars and twenty cents (\$58,627.20) as part of a Supplemental Environmental Project; re-grade travel ways to redirect stormwater away from areas without installed BMPs and ensure stormwater and process water separation; reorganize material storage to allow for installation of BMPs, including a stormwater detention pond; install stormwater collection catch basins connected to detention ponds; and eliminate stormwater outfall at the end of an aggregate storage. Should Cummings complete all of the above listed corrective actions to the satisfaction of the Department, the Department shall suspend the remaining fourteen thousand six hundred fifty-six dollars and eighty cents (\$14,656.80) of the total civil monetary penalty of eighty three thousand and sixty dollars (\$83,060.00).

Len Poulin, Inc., Leonard Poulin Jr., Winslow, Maine. Leonard D. Poulin, Jr. is the president and owner of Len Poulin, Inc. ("Poulin"), which operates a commercial enterprise that includes: vehicle maintenance, repair and storage; storage and sale of scrap metals; and storage and sale of construction and road maintenance materials in Winslow, Maine and owns a property in Benton, Maine located at the Asher Farm Park. Department staff observed at the Winslow property that Poulin: failed to develop a Stormwater Pollution Prevention Plan ("SWPPP") prior to submitting a Notice of Intent ("NOI") to discharge; failed to install, operate and maintain multiple structural Best Management Practices ("BMPs"); failed to adequately size and properly construct and maintain a sediment trap leading to the unlicensed discharge of pollutants to a small wetland on neighboring property and to a roadside ditch; failed to conduct facility inspections; failed to conduct visual examinations of stormwater discharges associated with industrial activity; failed to comply with all provisions of the permit; failed to review and update the SWPPP; and failed to ensure the SWPPP, NOI, discharge authorization letter or correspondence with the Department available at all times. Department staff observed at the Benton property that Poulin: placed or had placed a silt fence directly into a stream; failed to properly install and maintain erosion and sedimentation controls; and placed or had placed fill material within the stream. By committing the above listed actions, Poulin violated: the terms and conditions of permit #W-008227-5Y-A-N0; the terms and conditions of permit #W-008227-5Y-B-R; 38 M.R.S. § 414(5); 38 M.R.S. § 420-C; and 38 M.R.S. § 480-C. To resolve these violations, Poulin agreed to: pay to the *Treasure, State of Maine* a civil monetary penalty of four thousand eight hundred sixty-six dollars and twenty cents (\$4,866.20); complete a Supplemental Environmental Project with a



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total budget of at least nineteen thousand four hundred sixty four dollars and eighty cents (\$19,464.80), for the purpose of completing an expansion of the Kennebec Messalonskee Trail system between Pine Grove Cemetery and Water Street in Waterville, Maine; ensure that no further unlicensed discharges of water and pollutants to abutting neighbor's properties and waters of the state occur; and either submit a restoration plan which details the removal of fill an restoration of all disturbed areas in, on, over and within 75 feet of the stream in Benton, Maine or submit a Permit By Rule application that meets the standards of 06-096 C.M.R. ch. 305, § 2.

Underground Storage Tanks:

Cumberland Farms, Inc., Berwick, Maine. Cumberland Farms, Inc. ("Cumberland Farms") is a Delaware business corporation authorized to operate in Maine and owns and operates underground oil storage facilities in Berwick, Maine. Department staff observed that: on multiple occasions contractors for Cumberland Farms were installing, removing or repairing underground storage tanks near existing gasoline tanks without having a Maine Certified Underground Storage Tank Installer present; failed to file registration materials prior to installing or replacing underground oil storage facilities; failed to file a notice of intent to abandon an underground oil storage facility and notify the Department prior to removing abandoned facilities. By committing the action listed above, Cumberland Farms violated: 06-096 C.M.R. ch. 691, § 5(D)(21); 06-096 C.M.R. ch. 691, § 11(E); 06-096 C.M.R. ch. 691, § 4(B); 38 M.R.S. § 563(1)(A); and 38 M.R.S. § 566-A(2). To resolve these violations, Cumberland Farms agreed to pay a civil monetary penalty of sixteen thousand five hundred dollars (\$16,500.00) to the *Treasurer, State of Maine c/o the Ground and Surface Waters Clean-up and Response Fund*.

District Court Enforcement Resolutions (party followed by location):

Land:

Matthew Campbell and Jennifer Grenier, Lyman, Maine. Matthew Campbell and Jennifer Grenier ("Campbell and Grenier") own a parcel of property in Lyman, Maine that was the subject of Consent Decrees with the Town of Lyman ("Town") and the Department as entered in District Court under Docket Nos. BIDD-14-242 and BIDD-15-10. (Described in the Department's Monthly Enforcement Report for November, 2015). In response to Campbell and Grenier's failure to comply with the Consent Decrees with the Department and Town, both the Town and Department filed motions for Contempt against Campbell and Grenier. On June 2,



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2017, following a testimonial hearing in the District Court of Biddeford, Maine, the Court found Campbell and Grenier in contempt for: failure to pay at least some portion of fines and fees over an extended period of time; failure to apply for necessary permits; and failure to submit remedial plans. The Court thereby ordered that Campbell and Grenier be incarcerated in the York County Jail for sixty (60) days, with all time suspended and with the opportunity to purge contempt should Campbell and Grenier: pay the Town of Lyman fines in the amount of eight thousand dollars (\$8,000.00); pay the Town of Lyman attorney fees for the original case in the amount of two thousand one hundred ninety-eight dollars and eleven cents (\$2,198.11); pay the *Treasurer, State of Maine* four hundred seventy three dollars and fifty cents (\$473.50) for the outstanding civil monetary penalty; pay the *Treasurer, State of Maine* one thousand nine hundred twenty-two dollars and fifty cents (\$1,922.50) as an unsuspended civil monetary penalty; file any required permits with the Town of Lyman for the removal of all previously unpermitted steps, wall and patios and to complete any required restoration activities; file a restoration plan for the Department's review and approval for the removal and restoration of all unpermitted steps, walls and patios; and complete all removal and restoration activities as set forth in the original Consent Decree.